

### **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-20 are now present in the application. Claims 1, 6 and 7-11 have been amended. Claims 13-20 have been added. Claims 1, 11, and 13 are independent. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

### **Priority Under 35 U.S.C. §119**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

### **Information Disclosure Citation**

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on September 4, 2002, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

### **Drawings**

Applicant has not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is

necessary. Confirmation thereof in the next Office Action is respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Clem, U.S. Patent No. 6,645,124. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that this rejection has been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 11 have been amended to address the Examiner's rejection. Independent claim 1 now recites a combination of elements including the recitation "said server updates the specific exercise program stored in said physical training machine so that said physical training machine always stores an up-to-date exercise program."

With regard to claim 11, this claim recites a combination of steps including the recitation "updating said selected exercise program stored in said physical training machine, so that said physical training machine always stores an up-to-date exercise program."

Applicant respectfully submits that the combination of elements set forth in claim 1 and the combination of steps set forth in claim 11 are not disclosed or suggested by the references relied on by the Examiner.

Clem discloses an interactive programmable fitness interface system. In particular, Clem teaches that the web site/automated remote control location 12 stores a plurality of control programs and selects a control program from the plurality of programs according to the digest and the user location information (see col. 3, lines 25-28). The selected program (or adjustment to the fitness device 32) is sent by the web site/automated remote control location 12 to the fitness device 32 in real time based on a comparison between actual user information and general information (see col. 3, lines 55-60). However, Clem is silent with regard to the web site 12 updating the exercise program stored in the fitness device 32 as recited in independent claims 1 and 11 of the present invention. Accordingly, the Clem reference fails to anticipate independent claims 1 and 11 of the present invention.

In addition, claims 2-10 and 12 depend, either directly or indirectly, from independent claims 1 and 11, and are therefore allowable based on their respective dependence from independent claims 1 and 11.

In view of the above amendments to the claims and remarks, Applicant respectfully submits that claims 1-12 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

#### **Additional Claims**

Claims 13-20 have been added for the Examiner's consideration.

Applicant respectfully submits that the combination of elements as set forth in new independent claim 13 is not disclosed or suggested by the references relied on by the Examiner.

In addition, claims 14-20 depend, either directly or indirectly, from new independent claim 13, and are therefore allowable based on their respective dependence from new independent claim 13.

Favorable consideration and allowance of claims 13-20 are respectfully requested.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the

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Examiner's Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Paul C. Lewis  
Reg. No. 43,368

PCL/cl

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000